

PATRICK D. ROBBINS (CABN 152288)
Acting United States Attorney
PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
KELSEY J. HELLAND (CABN 298888)
Assistant United States Attorney
U.S. ATTORNEY'S OFFICE
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495

ERIC HAMILTON
Deputy Assistant Attorney General
DIANE KELEHER
Branch Director
CHRISTOPHER HALL
Assistant Branch Director
JAMES D. TODD, JR.
Senior Trial Counsel
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044

Counsel for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Case No. 3:25-cv-1780-WHA

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONEL
MANAGEMENT, *et al.*,

Defendants.

**DECLARATION OF MARY PLETCHER
RICE**

1 I, Mary Pletcher Rice, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am the Acting Principal Deputy Assistant Secretary for Administration within
3 Departmental Administration at the United States Department of Agriculture (“USDA” or
4 “Department”), headquartered in Washington, D.C. I make this Declaration based on my own
5 personal knowledge, on information contained in the records of USDA, or on information
6 provided to me by USDA employees. I have served in this position since January 31, 2025, and
7 I have been employed at USDA since 2018.

8 2. In my role at USDA, I currently oversee the Department’s Office of Human
9 Resources Management and I have purview over USDA subagencies’ Chief Operating Officers
10 and Human Resources Offices.

11 3. Approximately 5,714 probationary employees were terminated from USDA
12 beginning February 13, 2025, and concluding on or around February 17, 2025 I have been
13 provided, and have reviewed, the preliminary injunction (“PI”) issued in the above-captioned
14 case on March 13, 2025 and the memorandum issued on March 14, 2025, requiring USDA to
15 reinstate all affected probationary employees, who were terminated.

16 4. USDA has reinstated the terminated probationary employees, pursuant to a 45-
17 day March 5, 2025, Stay Order issued by the Merit Systems Protection Board (“MSPB”), which
18 was requested by the Office of Special Counsel and pursuant to a March 13, 2025 temporary
19 restraining order issued by the U.S. District Court of Maryland ordering Defendants to reinstate
20 all affected probationary employees by March 17, 2025.

21 5. On March 12, 2025, USDA reinstated all 5,714 Affected Probationary Employees
22 by restoring them to the status they were in prior to their terminations and providing each with
23 back pay from the date of their respective termination. As part of a phased plan for return-to-
24 duty, upon returning to pay status, the Affected Probationary Employee will initially be placed
25 on paid administrative leave. USDA has notified all Affected Probationary Employees that they
26 have been restored to the status they were in prior to their terminations. USDA is in the process
27 of completing a second notification to the probationary employees to be clear that this is based
28 on the MSPB order and this Court’s Order.

1 6. An excel chart is attached to this declaration listing the 5,714 names of all
2 affected probationary employees, the completion of the first notification of reinstatement due to
3 the MSPB order, and the progress in completing a second notification for this Court's order.

4 7. All of the listed affected probationary employees have been notified of this
5 Court's preliminary injunction through a USDA press release titled "USDA Status Update on
6 Probationary Employees" that was updated on March 19, 2025. The update can be found at
7 [https://www.usda.gov/about-usda/news/press-releases/2025/03/11/usda-status-update-](https://www.usda.gov/about-usda/news/press-releases/2025/03/11/usda-status-update-probationary-employees)
8 [probationary-employees](https://www.usda.gov/about-usda/news/press-releases/2025/03/11/usda-status-update-probationary-employees). A screen capture of the update is attached to this declaration.

9 8. Pursuant to completion of a second round of notifications, USDA has emailed or
10 in the case where email addresses were unavailable, telephoned individual notices of this Court's
11 preliminary injunction and this is indicated on the attached excel chart.

12 9. USDA is diligently working on completing the second round of notices to all
13 affected probationary employees listed on the attached chart.

14 10. A group of 1,070 seasonal Forest Service Affected Probationary Employees who
15 were not in pay status at the time of their terminations (due to the off-season) have been
16 reinstated to their prior unpaid status. Additionally, there are six Affected Probationary
17 Employees in the Foreign Agricultural Service who were administratively furloughed prior to
18 their terminations, and who have been reinstated to their prior administrative furlough status.

19 11. USDA is acting diligently to complete the administrative steps related to notifying
20 the Affected Probationary Employees of their reinstatement, processing the reinstatements for
21 purposes of all relevant USDA record systems, and returning the reinstated employees to duty
22 status.

23 12. Whether required by operation of the March 5, 2025, MSPB Stay Order, the
24 District Court of Maryland's s March 13, 2025 Temporary Restraining Order or this Court's
25 March 13, 2025 Preliminary Injunction, reinstating the terminated probationary employees is
26 complex and places the following logistical burdens on USDA and its approximately 29
27 subordinate Mission Areas, Agencies, and Staff Offices, including USDA's multiple human
28 resources offices: (1) initiating the process of placing all removed probationary employees, who

1 received February 2025 termination letters, into pay status, and providing backpay, from the date
 2 of the termination notice through the present, which involves several systems and applies across
 3 multiple pay periods; (2) ascertaining whether some of the probationary employees choose to
 4 resign, due to having secured other employment or not wanting to return to duty at USDA; (3)
 5 reinstituting and ensuring operational status of secured LincPasses, office space, and equipment
 6 (including laptops in most instances) for those individuals whose mission criticality requires on-
 7 site work; and (4) addressing, as appropriate, any identified or substantiated threats to the
 8 physical safety of USDA's existing 111,000 person workforce and security of USDA's physical
 9 plants and assets across the nation (5) and addressing other issues such as a terminated
 10 probationary employee who pleaded guilty to a crime related to covering up a murder and
 11 another terminated probationary employee found to be a foreign national citizen from a "country
 12 of particular concern" as determined by the U.S. Department of State in 2023.

13 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
 14 and correct.

15
 16 Dated: March 20, 2025

17
 18 /s/ **MARY** Digitally signed
 19 **RICE** by MARY RICE
 20 Date: 2025.03.20
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21 MARY PLETCHER RICE
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